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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,371	07/11/2001	Siegfried Luft	04906.P038	1379

7590

10/28/2005

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EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/904,371

Applicant(s)

LUFT ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-10, 14-18, 23-27, 29-32 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 14-18, 23-27, 29-32 and 36-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is response to amendment filed on 8/5/2005. Claims 1-5, 7-10, 14-18, 23-27, 29-32 and 36-40 are presented for examination.

2. The objection to claims 6, 10, and 28 are hereby withdrawn in view of amendment.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-10, 14-18, 23-27, 29-32 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bimm et al. (US 6,901,440), hereinafter Bimm, in view of Hara et al. (US 6,738,812), hereinafter Hara.

5. As to claim 1, Bimm discloses the invention substantially as claimed, including a network management system (col. 2, lines 25-45) comprising:

a plurality of element management servers (element management systems; 385, fig. 7; EMS, 410-420, fig. 8; col. 7, lines 45-67; col. 11, lines 9-23) to manage a set of network elements (210, fig. 4) (NMS 200 for managing a network having managed

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network elements 210; col. 7, lines 45-67), said server to determine which of said plurality of element servers to manage each of said set of one or more network elements (fig. 8; element management systems 410-420 with corresponding managed network elements 430-434; col. 11, lines 41-62); and

a peered service resident on each of said plurality of element management servers to handle a request from a client (col. 2, lines 33-45; col. 7, lines 3-8 and 24-33).

6. Bimm discloses a plurality of element management servers (385, fig. 7; EMS, 410-420, fig. 8; col. 7, lines 45-67; col. 11, lines 9-23). However, Bimm does not specifically disclose designating one of servers as the master server. Hara discloses designating one of servers as the master server (col. 5, line 66 – col. 6, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bimm and Hara because Hara's master server would allow the master server to monitor and supervise of other servers' status/performance (Hara, col. 2, lines 32-40).

7. As to claim 2, Bimm discloses a federated service, said federated service, said federated service to access data stored in a element management server memory, said element management server memory includes data to describe each of said set of network elements to be managed by each of said plurality of element management servers (figs. 3B; MIB, fig. 5; col. 7, lines 34-44; col. 9, lines 2-9; col. 9, line 57 – col. 10, line 8).

8. As to claims 3 and 5, Bimm discloses where said federated service to access nodal alarm data in said element management server memory (fault; alarm; fig. 3B; col. 7, lines 34-44).

9. As to claim 4, Bimm discloses federated service to provide data to a data store (figs. 3B; MIB, fig. 5; col. 7, lines 34-44; col. 9, lines 2-9; col. 9, line 57 – col. 10, line 8).

10. As to claims 7 and 8, they are rejected for the same reasons set forth in claim 1 above. In addition, Hara discloses determining with a bully algorithm which of said plurality of element management servers is designated as said master server (col. 4, lines 1-16; col. 6, lines 1-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bimm and Hara because Hara's algorithm to determine the master server would guarantee a fast configuration to select the master server among the plurality servers.

11. As to claims 9 and 14, Bimm discloses where said peered service resident on said plurality of element management servers to access a database to handle said request (col. 9, lines 2-9).

12. As to claim 10, it is rejected for the same reasons set forth in claim 5 above.

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13. As to claims 15 and 17, Bimm discloses where said client to randomly access a peered service on said plurality of element management servers (col. 2, line 66 – col. 3, line 6; col. 7, lines 3-8).

14. As to claims 16 and 18, Bimm discloses where said client to generate a view of said set of network elements and said plurality of element management servers from data stored in said element management server memory or database (GUI; col. 9, lines 48-56; col. 33, claim 32).

15. As to claim 23, it is rejected for the same reasons set forth in claim 1 above. In addition, Bimm discloses a machine-readable machine that provides instruction, which when executed by a set of one or more processors (memory device having instructions that when loaded into and executed by at least one computer implements the service activation system; col. 34, claim 36).

16. As to claim 24, it is rejected for the same reasons set forth in claim 2 above.

17. As to claims 25 and 27, they are rejected for the same reasons set forth in claims 3 and 5 above.

18. As to claim 26, it is rejected for the same reasons set forth in claim 4 above.

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19. As to claims 29 and 30, they are rejected for the same reasons set forth in claims 6 and 7 above.

20. As to claim 31, it is rejected for the same reasons set forth in claims 9 and 14 above.

21. As to claim 32, it is rejected for the same reasons set forth in claim 5 above.

22. As to claim 36, it is rejected for the same reasons set forth in claims 9 and 14 above.

23. As to claim 37, it is rejected for the same reasons set forth in claims 15 and 17 above.

24. As to claims 38 and 40, they are rejected for the same reasons set forth in claims 16 and 18 above.

25. As to claim 39, it is rejected for the same reasons set forth in claims 9 and 14 above.

***Conclusion***

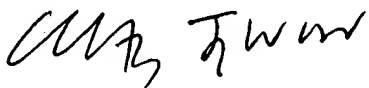
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26. Applicant's arguments with respect to claims 1-5, 7-10, 14-18, 23-27, 29-32 and 36-40 have been considered but are moot in view of the new ground(s) of rejection.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JWC  
October 27, 2005